

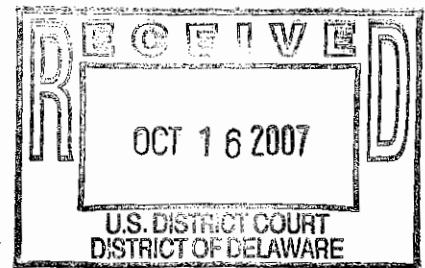
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOHN FOLKS
Petitioner;

V.

THOMAS CARROLL;
WARDEN, AND ATTORNEY
GENERAL OF THE STATE
OF DELAWARE;
Respondents.

CIVIL ACTION NO. 07-334 ***



PETITIONER'S MOTION FOR DEFAULT IN SUPPORT
OF HIS HABEAS CORPUS PETITION, PURSUANT
TO RULE 55 OF THE RULES OF CIVIL PROCEDURE.

NOW, comes the Petitioner, John Folks, who request
that this honorable Court deny the State's second extension
and decide Petitioner's HABEAS CORPUS motion based on the
Petitioner's Petition; memorandum of Law and Petitioner's two
Amended motions,

Pursuant to RULE 6, Governing Rules of Civil Procedure,
the Court may award an extended time period, when by these
Rules or by a notice given thereunder or by order of Court an

act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion, grant an extended time period.

6(b).--

(1) with or without notice or motion order the period enlarged if request is therefore made before the expiration of the period prescribed or as extended by a previous order; or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect, but it may not extend the time for taking any action under Rules 50(b), (c)(2), 52(b), (d) and (e).

THE Petitioner argues that the state is abusing the court's discretion, because the state has the legal experience, excessive resources and overall capabilities to have fulfilled its obligation to respond. there's no excusable neglect appropriate in this context to remedy such an disregard. The Petitioner argues that he is a layman, and the state is taking advantage of that fact. The state was initially ordered to respond by 8-27-07, and then given an extension until 10-12-07, there should not be any more extensions granted to the state and the Petitioner humbly ask that this honorable court not grant them another and do so. Petitioner's Petitioner based on the Petitioner's Petition

memorandum of Law and Petitioners Two Amended motions to Petitioners
memorandum of Law.

Respectfully submitted

Date: 10-14-07

John Folks
John Folks - Pro-se
D.C.C.,
1181 Paddock Rd.
Smyrna, Del. 19977